

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984) MB Docket No. 05-
311
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

The Pike County, KY files this reply brief. Pike County (“County”) is a rural county in the mountains of Southeastern Kentucky with a population of 67,887. Our franchised cable providers are Intermountain Cable, Charter Communications, Cequel III and Mikrotec CATV, LLC. Our community has negotiated cable franchises since January 4, 1977.

The telephone companies incorrectly claim that municipalities have "unreasonably denied" cable franchises to phone companies. Clearly, the "unreasonably denied" claim is untrue. The County welcomes competition in the video market. Please not that, no phone company has ever even approached the County for a cable franchise. If the County were to be approached by BellSouth (or AT&T after recently announced transfer of control is completed) County has a mechanism in place to grant additional franchises. The mechanism is very similar to the transfer of control mechanism. In the past several years, the County has gone through many transfers of controls. All of the above-mentioned transfers of control have been completed in an efficient and timely manner.

AT&T, in its opening comments urged the FCC to adopt the following rules:

- Prohibit the imposition of any buildout requirements on new entrants like AT&T.
- Adopt a single, national formula for calculating franchise fees & preempt all franchise provisions concerning franchise fees that are inconsistent with that formula.
- Prohibit any kind of monetary or in-kind PEG support or I-Net obligation over & above the 5% franchise fee.
- Prohibit application fees or application cost reimbursement.
- Prohibit any kind of free cable service to local governments and schools.
- Prohibit cable franchise-related right of way management of a telecommunication provider's broadband facilities.
- Prohibit city-specific customer service reporting requirements.
- Require a local franchising authority to approve a competitive franchise application within 30 days

These types of rules would create havoc for the County. For example, if these rules were adopted, the County's incumbent operators would probably have a strong argument that it would have the right to modify its current franchise to be consistent with the AT&T's new franchise. And if that occurred, what would requirements like these do to the benefits the County is currently receiving from the incumbent cable operator. The County would, among other things, lose all of its Public, Educational & Governmental access support. Additionally, the County would lose all free cable drops to County buildings and schools. Finally, a 30-day time limit on acting on a franchise application would probably prevent the County from complying with state public notice and hearing requirements with respect to Fiscal Court actions, thereby denying the County's residents of any input into the process.

In conclusion, the changes proposed by the telephone industry prohibit local control and deny municipalities the ability to tailor cable franchises to meet their specific local needs, as they have done for decades.

Pike County, KY therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

Pike County Fiscal Court

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